

REMARKS

Request for Reconsideration

Applicant has carefully considered the matters raised by the Examiner in the outstanding Office Action but remains of the opinion that patentable subject matter is present. Applicant respectfully requests reconsideration of the Examiner's position based on the above amendments to the claims and the following remarks.

Claims Status

Claims 21-28 are pending in the Application.

The independent claims, Claims 21 and 27, have been amended herein to more particularly point out and distinctly claim that the present Invention includes a receiving buffer management section which recognizes the amount of data in the receiving buffer. Support for these amendments can be found in the paragraph bridging pages 13 and 14 and, more specifically, in lines 24-26 on page 13. The receiving buffer management section is identified by reference character 12 in Figure 2.

Respectfully, no new matter has been added by way of these amendments.

Prior Art Rejection

Claims 21-28 had been rejected as being unpatentable over a combination of Shima, Brown and Emoto.

As noted above, the independent claims, Claims 21 and 27, have been amended herein to recite that the apparatus has a receiving buffer management section which recognizes the amount of data in the receiving buffer. It is respectfully submitted that none of the references teach such a receiving buffer management section and, as such, the claims are patentable over the references taken alone or in combination.

More specifically, Shima, which is the primary reference cited by the Examiner, neither discloses nor teaches a receiving buffer management section which recognizes the amount of data in a receiving buffer. Since neither of the secondary references of Brown or Emoto have a receiving buffer management section which recognizes the amount of data in the receiving buffer, it is respectfully submitted that the claims clearly define over the references taken alone or in combination.

Furthermore, Applicants wish to reiterate two main points concerning the teachings of Shima or, more specifically, the lack of teaching in Shima. First, Shima does not teach a write

controller for controlling writing process to write print data stored in the receiving buffer into an auxiliary storage buffer; and second, that Shima does not teach resuming writing in the receiving buffer when free space in the receiving buffer has reached a predetermined level.

The two points were previously made and in response to both of those arguments, the Examiner pointed to column 12, lines 50-62, Figure 1, reference character 7, Figure 10, receiving buffer 83, and auxiliary storage buffer 45. The Examiner had taken the position that Shima at column 12, lines 46-67 through column 13, lines 1-7, Figure 1 and Figure 10, disclose that the write controller starts to write in the receiving buffer and then into the auxiliary buffer when the receiving buffer is full. Respectfully, this portion of Shima is not teaching writing from the receiving buffer to the auxiliary buffer.

With respect to the second argument, the Examiner points to Shima, column 12, lines 46-67, column 13, lines 1-17, and Figure 11 to teach that Shima teaches resuming writing in the receiving buffer when free space in the receiving buffer has reached a predetermined level. Respectfully, this portion of Shima does not teach resuming writing in the receiving buffer when free space in the receiving buffer has reached a predetermined level.

The Examiner also cites Brown, column 17, lines 1-7 and Figure 10, reference character 42 to teach resuming writing in the receiving buffer when free space in the receiving buffer has reached a predetermined level but this portion of Brown does not teach switching from an auxiliary buffer back to the receiving buffer.

In view of the foregoing, it is respectfully submitted that the claims, as presented herein, are patentable over the three cited references taken alone or in combination.

Request for Extension of Time

Applicant petitions for a two-month Extension of Time within which to file this Request for Continued Examination and Submission and the fees associated therewith have been paid concurrently with the filing of the RCE.

Should any additional fees or extensions of time be necessary in order to maintain this Application in pending condition, appropriate requests are hereby made and authorization is given to debit account #02-2275.

Conclusion

In view of the foregoing, it is respectfully submitted that the Application is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

LUCAS & MERCANTI, LLP

By: Donald C. Lucas
Donald C. Lucas, Reg. # 31,275
(Attorney for Applicant)
475 Park Avenue South
New York, New York 10016
Tel. # (212) 661-8000

DCL/mr